THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15039 of 1999

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to I.D.No.115 of 1995 dated 17.2.1999 on the file of first respondent-Labour Court, whereunder the claim petition filed under Section 2-A(2) of the Industrial Disputes Act, 1947 by the petitioner was dismissed without granting any relief.

According to the petitioner, he was engaged as Cleaner in respondent-Corporation and his services were terminated with effect from 16.8.1988, which is arbitrary and illegal. Before the Labour Court, a detailed counter affidavit has been filed by the respondent-Corporation stating that petitioner was never engaged by the Corporation and no appointment orders were issued and there was no relationship of master and servant, therefore the question of termination of petitioner's services does not arise. Petitioner himself was examined as W.W.1 and no documentary evidence was marked on his behalf. On behalf of management, M.W.1 was examined and Exs.M1 and M2 were marked. After a detailed consideration of material available on record, the Labour Court came to the conclusion that there was no master and servant relationship, therefore, termination of petitioner's services does not arise and dismissed the I.D. by order dated 17.2.1999. I am of the opinion that the question as to whether there was any relationship of master and servant is a pure question of fact and this Court under Article 226 of the Constitution of India cannot adjudicate the same. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 19.12.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15039 of 1999

19.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.15039 of 1999

Date: 19th December, 2007

Between:

D.Satyam

.. Petitioner

And

The Labour Court, Hyderabad-II,
represented by its Presiding Officer,
M.J. Road, Hyderabad & another.

.. Respondents